

REMARKS

A Petition for Extension of Time is being filed concurrently herewith.

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Claim 1 has been amended. Claims 1 and 2 are pending in this application.

Applicant wishes to thank the Examiner Randall E Chin for the courtesy extended during the telephone interview conducted on September 19, 2006. As requested by the Examiner, Applicant has filed this amendment for further consideration by the Examiner.

Drawings

The Examiner states that Figures 4 and 5 should be designated by a legend such as -- Prior Art --. In response, Applicant herewith submits the replacement drawings for Figures 4 and 5 which include the legend -- Prior Art --.

Claim Objections

Claim 1 stands objected to because of the informalities. Applicant has amended claim 1 according to the Examiner's kind suggestions. Withdrawal of the objection to claim 1 is respectfully requested.

Claims Rejections – 35 U.S.C. §112

Claims 1 and 2 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In response, Applicant has carefully reviewed and amended claim 1 by amending "the fixing portion" to -- a container containing cosmetics --. It is believed that claim 1 is now in full compliance with the written description requirement. Applicant also submits that this change has been proposed and accepted by the Examiner during the telephone interview.

Claims Rejections – 35 U.S.C. §102

Claims 1 and 2 stand rejected under 35 U.S.C. §102(b) as being anticipated by Gueret. Applicant submits that amended claim 1 is now patentable in view of Geuret for the following reasons. As discussed in the telephone interview, Applicant has amended claim 1 which now specifically recites that the fixing portion is rectangular-shaped and is made of plastic material, thereby securing the brush inserted into the hole in a rectangular shape, and wherein the brush is not distorted when the brush is inserted into a container containing cosmetics. It is submitted that Gueret neither discloses nor suggests the fixing portion which is rectangular-shaped. According to Gueret, the fixing element attached to the link element 6 is round-shaped. In addition, Gueret fails to disclose or suggest the feature of securing the brush inserted into the hole in a rectangular shape. In Gueret, the applicator element 5 has a radial shape.

For the above reasons as discussed in the telephone interview, Applicant respectfully submits that amended claim 1 and its dependent claim 2 are now believed allowable.

Claims Rejections – 35 U.S.C. §103

Claims 1 and 2 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Korea 288433. Applicant traverses the rejection for the following reasons.

As discussed in the telephone interview, the 433 reference simply fails to disclose or suggest the fixing portion which is rectangular-shaped and the feature of securing the brush inserted into the hole in a rectangular shape. Accordingly, it is submitted that claims 1 and 2 are believed allowable in view of Korea 288433.

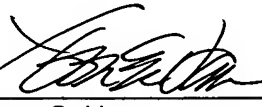
Conclusion

The prior art made of record and not relied upon is noted.

All objections and rejections having been addressed, it is respectfully submitted that claims 1 and 2 are now in condition for allowance and a notice to that effect is earnestly solicited. If any issues remain to be resolved, the Examiner is cordially invited to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

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